APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,643	10/30/2001	Joseph Golan	2001-0203	4072

7590   09/21/2005

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EXAMINER
BLENMAN, AVALON

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/016,643	GOLAN ET AL.
	Examiner	Art Unit	
	Avalon Blenman	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 June 2005</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>10</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   This office action is a <u>second action</u> in response to amendment and remarks filed June 22nd, 2005. Claim 10 is presented for further consideration, which is now an independent claim. Claim 10 has been amended. Claims 1-9 & 11-28 have been cancelled. No claims have been added. This office action is made **NON-FINAL.**

Specification

2.   The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (pages 1, 3, 7, 9, and 12, paragraphs 2 & 5, 11, 44, 56, and 66 respectively). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. <u>Applicant failed to address this objection in amendment and remarks filed 06/22/2005.</u> See MPEP § 608.01.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim **10** is rejected under 35 U.S.C. 102(e) as being anticipated by **Farrell et al. (US 6,751,663)**, hereinafter Farrell, further in view of **Leong et al. (US 6,269,398)**, hereinafter Leong, further in view of **Pegrum et al. (US 6,516,417)**, hereinafter Pegrum.

5.   Regarding claim **10**, Farrell discloses a method (fig. 15) of provisioning a packet

network for handling incoming traffic demands, said packet network comprising record

collectors (data collectors) that generate ingress and egress files (network activity

records) which are used to determine traffic patterns for routing flows from a source to a

destination in the packet network (col. 1, lines 16-30). Farrell further discloses:

- receiving configuration files (fig. 14, #318) from a capacity planning server (fig.

  14, #60, FAP, "Flow Aggregation Processor", col. 18, lines 24-26), said

  configuration files comprising parameters in which flows are to be analyzed

  during a measurement interval (col.18, lines 24-28, 36-38, col. 22, lines 34-54);

- receiving flow records from an access router (fig. 1, # 12b) (col. 15, lines 21-27,

  col. 3, lines 51-53);

- processing the flow based on the parameters produced in the configuration files

  (col. 15, lines 34-40);

- generating ingress and egress files (NARs, "network accounting records") for

  each flow during the measurement interval (col. 7, lines 51-53, col. 10, lines 32-

  39); and

- periodically notifying (by trying to establish connection) the capacity planning

  server (FAP) when ingress and egress flies (NARs) for the measurement interval

  are available for upload (col. 17, lines 47-55);

- uploading the ingress and egress files (NARs) to the capacity planning server

  (col. 17, lines 55-58);

- determining whether the packet network has adequate capacity based on the
   traffic patterns established from the uploaded ingress and egress files (NARs);
   and if the capacity is not adequate, rerouting future flows through the packet
   network in order to establish adequate capacity (col. 5, lines 29-34)

While Farrell discloses these features, Farrell does not explicitly disclose a
configuration file that identifies external interfaces for each access router. Nonetheless,
in analogous art, Leong discloses a method (fig. 3a) of provisioning a packet network for
handling incoming traffic demands, said packet network comprising record collectors
(fig. 2, #201, servers) that generate ingress and egress files (collected data) which are
used to determine traffic patterns for routing flows from a source to a destination in the
packet network (col. 7, lines 24-33). Leong further discloses:

- the configuration files (telnet configuration file) identify external interfaces
   (interface names) for each access router (col. 12, line 57 – col. 13, line 3, Table
   2, col. 14, steps 1-4).

Given the teachings of Leong, at the time of the invention, it would have been
obvious to one of ordinary skill in the art to modify Farrell's system where the
configuration files would identify the external interfaces for each access router. The
motivation as suggested by Leong, would be to allow the network manager to configure
the router based on the available interface information (see Table 2) of the routers (col.
3, line 64 – col. 4, lines 20).

While Farrell in view of Leong teach a configuration file identifying external interfaces for each access router, Farrell in view of Leon do not explicitly teach a configuration file identifying a VPN associated with each external interface. Nonetheless, in analogous art, Pegrum discloses receiving configuration files from a controller. Pegrum further discloses:

- the configuration files ("router configuration message") identify a virtual private network ("virtual private network identifier") that is associated with each router (col. 2, lines 7-15, claim 1).

Given the teachings Pegrum, at the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the systems of Farrell and Leong where the configuration files would also identify the VPN associated with the external interface for each access router. The motivation as suggested by Pegrum, would be to avoid router configuration errors. For example, routers belonging to the same VPN (i.e. having the same VPNID) would implement to same configuration (col. 3, lines 31-37).

Response to Arguments

6.   Upon further consideration and research, the indicated allowability of claim 10 if rewritten in independent form including all of the limitations of the base claim and any intervening claims, is withdrawn in view of Pegrum et al. Pegrum teaches the limitation of a configuration file identifying a VPN associated with a router. See rejection for claim 10 above.

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

- Bruins et al. (US Patent 6,308,148) discloses a method exporting and using data
  relating to flows in a flow switching network and responsive to message flow
  patterns.

- Beigi et al. (US Patent 6,36,056) discloses a method of monitoring network
  performance metrics.

- Maltz et al. (US Publication 2002/0143926) discloses a method for collecting
  traffic data in a computer network.

- Chandra et al. (US Patent 6,397,356) discloses a method for performance testing
  of computer networks.

- Phaal (US Publication 2002/0165956) discloses a method for monitoring network
  traffic of remote hosts scattered throughout the Internet.

8.   Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Avalon Blenman whose telephone number is (571) 272-
5864. The examiner can normally be reached on Mon-Fri, 7:00 AM - 4:30 PM (even
date Mons. off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Avalon Blenman
09/06/2005

ABDULLAHI SALAD
Primary Examiner